

December 12, 2011

The Honorable Julius Genachowski, Chairman
The Honorable Michael Copps, Commissioner
The Honorable Robert McDowell, Commissioner
The Honorable Mignon Clyburn, Commissioner
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Notice of *Ex Parte*—MB Dkt 09-182, 2010 Quadrennial Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996

Dear Mr. Chairman and Commissioners:

The undersigned¹ urges the Federal Communications Commission to make diversity a central focus of its upcoming Quadrennial Media Ownership Rule Review.

Diversity advances the values of the First Amendment, which, as the Supreme Court stated, “rests on the assumption that *the widest possible dissemination of information from diverse and antagonistic sources is essential to the welfare of the public.*” The Commission has elaborated on the Supreme Court’s view, positing that “*the greater the diversity of ownership in a particular area, the less chance there is that a single person or group can have an inordinate effect, in a political, editorial, or similar programming sense, on public opinion at the regional level.*”

The FCC has considered four aspects of diversity:

- *Viewpoint diversity* ensures that the public has access to “a wide range of diverse and antagonistic opinions and interpretations.” The FCC attempts to increase the diversity of viewpoints ultimately received by the public by providing opportunities for varied

¹ The Benton Foundation is a nonprofit organization dedicated to promoting communication in the public interest. These comments reflect the institutional view of the Foundation and, unless obvious from the text, are not intended to reflect the views of individual Foundation officers, directors, or advisors. Media Access Project is a 39 year-old non-profit public interest telecommunications law firm. The United Church of Christ is a faith community rooted in justice. It established the Office of Communication, Inc. in 1959 as its agency working to replace the media we have with the media we need to create a just society. Learn more about UCC OC Inc. at www.uccmediajustice.org.

groups, entities and individuals to participate in the different phases of the broadcast industry.

- *Outlet diversity* is the control of media outlets by a variety of independent owners.
- *Source diversity* ensures that the public has access to information and programming from multiple content providers.
- *Program diversity* refers to a variety of programming formats and content.

Since 1973, minority media ownership has been a goal of the Commission's structural ownership regulation. However, recent research shows that women and people of color historically have been grossly underrepresented in ownership of radio and television stations — media forms that use the public airwaves and rank as our nation's most popular and influential outlets. Women comprise over 51 percent of the population yet hold only 6 percent of radio and TV station licenses.² And while people of color make up 33 percent of the U.S. population, they hold just over 7 percent of radio licenses and 3 percent of TV licenses.

The U.S. Court of Appeals for the Third Circuit recently affirmed that “ownership diversity is an important aspect of the overall media ownership regulatory framework.”³ The Commission must take care not to repeat the mistakes of prior administrations by “pun[ting] yet again on this important issue.”⁴

In 2006, as a member of the Commission's Consumer Advisory Committee, one of the undersigned, The Benton Foundation was a strong supporter of an adopted recommendation on the 2006 Quadrennial Regulatory Review of the Commission's Media Ownership Rules which read, in part:

The Commission's Consumer Advisory Committee (CAC) recommends that the Federal Communications Commission adopt media ownership rules that create an environment for civic discourse where numerous, independently-owned, institutionally-distinct media outlets

² S. Derek Turner, *Out of the Picture 2007: Minority & Female TV Station Ownership in the United States*, 2007, <http://www.freepress.net/files/otp2007.pdf>, and S. Derek Turner, *Off the Dial: Female and Minority Radio Station Ownership in the United States*, 2007, http://www.freepress.net/files/off_the_dial.pdf.

³ *Prometheus Radio Project v. FCC*, 652 F. 3d 431, 472 (Third Circuit, 2011)

⁴ *Id.* at 471.

are accessible to the public including people with disabilities, responsive to local needs and reflective of diverse socio-economic and cultural points of view.

CAC went on to recommend that the “Commission adopt rules to promote ownership opportunities for minorities, women and people with disabilities before it considers other changes to its media ownership rules.”

In conclusion, the undersigned urge the Commission to do the following:

1. Evaluate the impact of its media ownership rules on ownership opportunities for women and people of color.
2. Take proactive measures to promote ownership of broadcast stations by underrepresented groups.
3. Guard against further erosion of media ownership among these groups by maintaining existing media ownership limits.

Absent these measures, ownership levels among underrepresented groups will continue to decline and the promise of a diverse media system that serves the information needs of all people will continue to elude our nation.

The strength of our country lies in the diversity of our people. Our media system will better serve the public interest when it draws on the diverse backgrounds, perspectives and talents of the entire population.

Sincerely,

Benton Foundation
Media Access Project
United Church of Christ, Office of Communication, Inc.